

West Bountiful City Municipal Code

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Chapter 2.04 FORM OF GOVERNMENT

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2.04.010 Form of government.

West Bountiful City is a city of the third class which is governed by a city council consisting of a mayor and five council members. (Prior code § 2-1-1)

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2.04.020 Terms of office.

A. The offices of mayor and two council members shall be filled in municipal elections held in 1977. The terms shall be for four years. These offices shall be filled every four years in municipal elections.

B. The offices of the other three council members shall be filled in municipal elections held in 1979. The terms shall be for four years. These offices shall be filled every four years in municipal elections.

C. Vacancies to these offices shall be filled as provided by state law. (Prior code § 2-1-2)

Chapter 2.08 CITY COUNCIL

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2.08.010 City departments.

The administration of West Bountiful City shall be divided into such departments as the city council shall direct periodically by ordinance or resolution. (Prior code § 2-2-2)

2.08.020 Personnel policies and procedures.

Personnel policies and procedures may be adopted by the city council to regulate the rights and conduct of city employees. These policies and procedures may be set forth in a separate manual entitled, "West Bountiful City Personnel Policies and Procedures Manual." This manual, and revisions thereto, may be adopted by resolution of the city council. (Prior code § 2-4-1)

2.08.030 Time and place of regular council meetings.

The city council shall conduct two regular meetings each month, which shall be held on the first and third Tuesdays of each month at the West Bountiful City Office, 550 North 800 West, West Bountiful, Utah, which meetings shall begin promptly at seven thirty p.m., during mountain standard time, and at the hour of seven thirty p.m. during mountain daylight time. Other meetings shall be held as necessary in accordance with state law. Any order for a special meeting must have at least three hours notice to each member of the governing body not signing the order. (Ord. 264-00 (part): prior code § 2-8-1)

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Chapter 2.12 CITY ADMINISTRATOR

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2.12.010 Office created.

There shall be an office of city administrator of West Bountiful City, which position and the duties thereof shall be as the city council periodically direct by ordinance pursuant to the provisions of Sections 10-3-901 and 10-3-813, Utah Code Annotated. (Prior code § 2-3-1)

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2.12.020 Control.

The powers, duties, and functions of the city administrator shall be subject to the control of the city council. (Prior code § 2-3-2)

2.12.030 General duties.

The city administrator shall:

- A. Have and exercise all powers and duties assigned to him periodically by the city council;
- B. Cause the enforcement of all civil laws and ordinances within the city insofar as their enforcement is within the powers of the city;
- C. Attend all meetings of the city council, and keep the council informed as to the affairs of the city, and recommend to the council such action as may be necessary or expedient for the welfare of the city; and
- D. Have and exercise general control and supervision over all activities of the city. This control and general supervision shall include, but not be limited to, construction, maintenance, improvement, repair and replacement of all city properties, ditches, culverts, gutters, curbing, public buildings, streets, parks, playgrounds, ball parks, records and supplies. (Prior code § 2-3-3)

2.12.040 Office.

The city administrator shall maintain an office in the City Hall and shall spend such time in the performance of his or her duties as may be required periodically by direction of the city council.

(Prior code § 2-3-4)

2.12.050 Employees.

The city administrator shall have and exercise all powers which are now or may hereafter be conferred by law upon the city in respect to the employment and removal of employees in all departments of the city. The administrator shall hire and discharge city personnel subject to the approval of the city council, and exercise general supervision over such employees. (Prior code § 2-3-5)

2.12.060 Contracts.

The city administrator shall examine all proposed contracts to which the city may be a party and shall, with the mayor, sign on behalf of the city any contract authorized and approved by the city council, except when the city council directs that some other officer or officers shall do so. It shall be the duty of the city administrator to see that all terms of any contract to which the city is a party are fully performed by all parties thereto. (Prior code § 2-3-6)

2.12.070 Purchases.

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The city administrator shall be general purchasing agent of the city. Except when specific provision to the contrary is made by law or by the city council, he or she shall authorize all purchases of supplies, materials and equipment approved by the city council, in the manner prescribed by and subject to the limitations imposed by law and by that body. No purchases shall be made or obligations incurred excepting upon authorization of the city council, and no expense shall be incurred for a purpose requiring a prior appropriation unless the amount of such purchase is covered by an unexpended appropriation for the purpose. (Prior code § 2-3-7)

2.12.080 Budget officer.

The city administrator is designated the budget officer for the city and shall perform or cause to be performed all of the duties of such office as set forth in law, together with such other duties as the city council may periodically, by resolution, designate. (Prior code § 2-3-8)

2.12.090 Collector and comptroller.

The city administrator shall be ex officio city collector and city comptroller unless such offices, or either of them, are duly filled by appointment, and he or she shall perform the duties of each such office in the absence of either such appointed officer. (Prior code § 2-3-9)

2.12.100 Accounts.

It shall be the duty of the city administrator to keep current accounts showing at all times the fiscal condition of the city, including the current and anticipated expenses, appropriations, cash on hand and anticipated revenues of all municipal funds and accounts. The city administrator shall see to the collection of all money due the city. (Prior code § 2-3-10)

2.12.110 Inventories--Properties.

The city administrator shall keep a current inventory showing all real and personal property of the city and its location. He or she shall be responsible for the care and custody of all such property except that charged to the police department. This responsibility shall extend to all other equipment, buildings, parks and city property which is not by law assigned to some other officer or body for care and control. (Prior code § 2-3-11)

2.12.120 Reports and publications.

The city administrator shall publish, or cause to be published, all notices, ordinances, or other documents required by law to be published and to prepare, or cause to be prepared, all reports which the city or any of the officials thereof are required to prepare. (Prior code § 2-3-12)

2.12.130 Elections.

Except as otherwise provided by law with respect to the duties of a city recorder in relation to elections, the city administrator shall cause to be prepared all notices, ballots and election supplies necessary in connection with city elections. (Prior code § 2-3-13)

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2.12.140 Maps and plats.

Unless otherwise provided by ordinance, the city administrator shall cause to be kept a complete set of maps and plats showing the location of all city utilities, municipal properties, streets and other public places as well as all lots or parcels of land subdivided according to law. (Prior code § 2-3-14)

2.12.150 Absence from city.

A. In the event the city administrator shall be absent from the city or incapacitated from performing the duties of his or her position, an officer or other person designated by the mayor may be authorized to act as administrator during such absence or incapacity; provided, however, that if such absence or incapacity shall extend for a period of ten (10) or more consecutive days, such designation shall be subject to the approval of the city council.

B. The powers, duties and functions of the office of city administrator shall be carried out by the city administrator who shall be a qualified person appointed by the city council. The city administrator need not be a resident of the city. The city administrator shall serve at the pleasure of the city council subject to removal at any time without cause, by a majority vote thereof.

Before taking office, the city administrator shall furnish a fidelity bond in an amount to be determined by resolution of the city council, conditioned upon the faithful performance of his or her duties, with a corporation licensed to do business in the state of Utah as surety. Such bond shall be filed with the city recorder after being approved by the city council, and the premium for such bond shall be paid by the city.

C. Additional personnel may periodically be employed within the office of the city administrator by action of the city council. (Prior code § 2-3-15)

2.12.160 Salary.

The salary of the city administrator, and his or her assistant, shall be set periodically by resolution of the city council. (Prior code § 2-3-16)

2.12.170 Assistant.

There may be an assistant to the city administrator who may exercise all of the powers of the city administrator, subject to the supervision and control of the city administrator. This officer shall be known as the administrative assistant. (Prior code § 2-3-17)

Chapter 2.16 CITY OFFICERS

Sections:

2.16.010 City officers.

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2.16.010 City officers.

The following offices in West Bountiful City are created, appointments to which shall be made as otherwise provided by state law:

A. Attorney. The city may periodically employ one or more attorneys to perform the duties of city attorney. Any person so employed shall be an active member in good standing of the Utah Bar Association and shall be employed on a contract basis as the city council shall periodically direct.

B. Building Inspector. There shall be a building inspector who shall be:

1. In reference to all of the technical construction codes (e.g., the Uniform Building Code) in force in the city, the principal building official referred to therein; and
2. In reference to the West Bountiful zoning ordinance and the various land development regulations, an inspector.

The building inspector shall have and exercise all of the powers provided for such offices.

C. Engineer. The city may periodically employ one or more engineers to perform the duties of city engineer. Any person so employed shall be either the Davis County engineer or a licensed engineer employed on a contract basis, as the city council shall periodically direct. At no time shall the city engineer review for compliance with any provisions of these ordinances work prepared by himself or herself or any member of his or her firm.

D. Recorder. There shall be a city recorder who shall have all of the powers and perform all of the duties described by state law. The city recorder shall be appointed on or before the first Monday in February following a municipal election by the mayor, with the advice and consent of the city council. The city recorder shall, ex officio, be the city auditor and perform the duties of that office.

E. Treasurer. There shall be a treasurer who shall have all of the powers and perform all of the duties described by state law. The treasurer shall be appointed on or before the first Monday in February following a municipal election by the mayor, with the advice and consent of the city council. (Prior code § 2-2-1)

Chapter 2.20 OFFICERS' BONDS

Sections:

2.20.010 Bonds.

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2.20.010 Bonds.

Every officer of the city, whether elected or appointed, shall, before entering upon the duties of such office, execute a bond with good and sufficient sureties, payable to the city. The amount of this bond shall be set periodically by resolution of the city council.

Bonds of city councilmembers shall be approved by the mayor. The bonds of all other officers shall be approved by the city council. The premium charged by a corporate surety for any official bond shall be paid by the city. (Prior code § 2-8-2)

Chapter 2.24 JUSTICE COURT – Rescinded 321-10

Sections:

2.24.010 Creation.

2.24.020 Place of holding court.

2.24.030 Powers of justice court judge.

2.24.010 Creation.

There is created and established a city justice court and the office of judge thereof. This court shall be known as the West Bountiful City justice court. (Prior code § 2-6-1)

2.24.020 Place of holding court.

The justice court judge shall hold court in the city in a room or office located in the City Hall conducive and appropriate to the administration of justice. (Prior code § 2-6-2)

2.24.030 Powers of justice court judge.

The West Bountiful City justice court judge shall have and exercise all of the powers provided by law for a municipal justice court judge. (Prior code § 2-6-3)

Chapter 2.28 ELECTIONS

Sections:

2.28.010 Election procedure.

2.28.020 Primary election system for nominating and electing candidates for municipal offices.

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2.28.010 Election procedure.

Municipal elections shall be held and conducted as provided in Chapter 5, Title 20A of the Utah Code Annotated. (Editorially amended during 2000 codification; prior code § 2-5-1)

2.28.020 Primary election system for nominating and electing candidates for municipal offices.

Election for mayor and council members shall be conducted according to the municipal election section of the Utah Code, reference 20A-9-404(1) and (2).

This section provides for the candidates for mayor and council members to be nominated at a primary election if required. A primary election will be held only when the number of candidates filing for an office exceeds twice the number to be elected. The candidates nominated at the primary election plus candidates that were not required to run in the primary are to be placed on the November ballot. (Ord. 237A-95 §§ 1, 2)

Chapter 2.32 BOARDS

Sections:

2.32.010 General rules.

2.32.010 General rules.

Unless otherwise provided by law or these ordinances, the following rules shall apply to all city boards, commissions, councils, agencies, foundations and districts, all of which are hereinafter referred to as a "board."

- A. Each board shall be an advisory board only.
- B. Each board shall consist of seven members, each of whom shall serve a term of four years.

The terms of members shall be staggered. Members may be appointed to a term of less than four years when necessary to provide for staggered terms.
- C. Board members shall be appointed by the mayor, with the advice and consent of the council.
- D. Board members may be removed from office by the mayor, without cause.
- E. Board members shall receive no compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of their duties.
- F. Subject to the consent of the city council, the mayor shall appoint a chairperson and vicechairperson for each board. These persons shall each serve for a term of one year.

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G. Meetings of each board may be called by:

1. The chairperson;
2. The vice-chairperson, if the chairperson is incapacitated, or otherwise cannot act;
3. A majority of the members of the board; or
4. The mayor.

H. Each board may adopt reasonable rules by which it conducts its business.

I. This section does not apply to the board of adjustment or the planning commission. (Prior code § 2-8-5)

Chapter 2.36 PLANNING COMMISSION

Sections:

2.36.010 Terms of office--Appointment, compensation and removal.

2.36.020 Operation.

2.36.030 Appointment of Planning Commission Alternates.

2.36.010 Terms of office--Appointment, compensation and removal.

A. There shall be a planning commission consisting of five members, which shall include four voting commissioners and a voting chairperson.

B. Members shall be appointed to four-year terms of office, except that members may be appointed to shorter terms when necessary to ensure staggered terms of office.

C. Members of the planning commission shall be appointed by the mayor, with the advice and consent of the city council.

D. The city council may fix compensation for members of the planning commission for meetings actually attended and may authorize their reimbursement for expenses actually incurred in the performance of their duties.

E. The city council may remove members of the planning commission from office for cause, but may not do so without a public hearing if such is requested by the member. (Ord. 264-00 (part); prior code § 9-2-1)

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2.36.020 Operation.

- A. The planning commission shall organize, operate and have all of the powers, duties and limitations described in state law for a planning commission.
- B. The planning commission may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for its functioning. Before taking effect, these policies and procedures shall be approved by the city council. (Prior code § 9-2-2)
- C. Planning commission meetings may be held only when there is a quorum present to carry out official action. A quorum, for the purposes of planning commission meetings, shall consist of three or more voting members who are present for voting decisions.

2.36.030 Appointment of Planning Commission Alternates.

- A. Alternate members may be appointed to the planning commission. Such appointment shall be in the same manner as the appointment of a regular member. Alternate members may fully participate in the discussion, hearing and meetings; however, they shall not vote on any matter, unless needed to fill a vacancy during the absence of a regular member. Alternate members may receive compensation for meetings actually attended, and may be removed for cause following the procedure for removal of a regular member. (Amended by Ord. #304-08 on 10-7-2008)

Chapter 2.40 BOARD OF ADJUSTMENT

Sections:

2.40.010 Membership--Terms of office--Appointment--Compensation.

2.40.020 Operation--Appeals--Conditional use permits.

2.40.010 Membership--Terms of office--Appointment--Compensation.

- A. There shall be a board of adjustment consisting of five members and whatever number of alternates the city council shall authorize.
- B. Members and alternate members of the board of adjustment shall be appointed to five-year terms of office, except that members and alternate members may be appointed to shorter terms of office when necessary to ensure that the term of only one member and one alternate member expires each year.
- C. Members and alternate members of the board of adjustment shall be appointed by the mayor, with the advice and consent of the city council.

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D. Members and alternate members of the board of adjustment shall serve without compensation, but the city council may authorize their reimbursement for expenses actually incurred in the performance of their duties. (Prior code § 9-3-1)

2.40.020 Operation--Appeals--Conditional use permits.

A. The board of adjustment shall organize, operate and have all of the powers, duties and limitations described in state law for a board of adjustment.

B. Appeals to the board of adjustment, and from the board of adjustment to the district court, shall be taken in the time and manner provided in state law.

C. Appeals from a decision of the planning commission regarding conditional use permits shall be heard and decided by the city council. While so acting, the city council shall be acting in an administrative capacity and rules described in state law for an appeal to a board of adjustment, and from a board of adjustment to the district court, shall apply to the city council. (Prior code § 9-3-2)

Chapter 2.44 HISTORIC PRESERVATION COMMISSION

Sections:

2.44.010 Purpose.

2.44.020 Established.

2.44.030 Commission duties.

2.44.040 West Bountiful sites list.

2.44.050 West Bountiful landmark register.

2.44.060 Standards for rehabilitation.

2.44.070 Standards for property development.

2.44.080 Standards for new construction.

2.44.010 Purpose.

The city recognizes that the historical heritage of the West Bountiful community is among its most valued and important assets. It is therefore the intent of West Bountiful to identify, preserve, protect and enhance historic areas and sites lying within the city limits. (Ord. 236-94 § 1)

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2.44.020 Established.

A Historic Preservation Commission is established by the city of West Bountiful with the following provisions:

- A. The commission shall consist of a minimum of five voting members with a demonstrated dedication, interest, competence or knowledge in historic preservation, appointed by the city council for terms of not less than two years. The commission shall also have a non-voting representative from the planning and zoning commission and the city council.
- B. To the extent available in the community, two commission members shall be professionals, as defined by National Park Service regulations, from the discipline of history, archaeology, planning, architecture or architectural history.
- C. The commission shall meet at least once each month and conduct business in accordance with the Open Public Meeting laws of Utah. This includes public notification of meeting place, time and agenda items.
- D. Written minutes of each commission meeting shall be prepared and made available for public inspection. (Ord. 236-94 § 2)

2.44.030 Commission duties.

The Historic Preservation Commission shall have the following duties:

- A. Survey and Inventory Community Historic Resources. The Historic Preservation Commission shall conduct or cause to be conducted a survey of the historic, architectural and archaeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten (10) years.
- B. Review Proposed Nominations to the National Register of Historic Places. The Historic Preservation Commission shall review and comment to the State Historic Preservation Officer on all proposed National Registry nominations for properties within the boundaries of West Bountiful City. When the Historic Preservation Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the commission, the commission shall seek expertise in that area before rendering its decision.
- C. Provide Advice and Information.
 - 1. The Historic Preservation Commission shall act in an advisory role to other officials and departments of government regarding the identification and protection of local historic and archaeological resources.
 - 2. The Historic Preservation Commission shall work toward the continuing education of citizens regarding historic preservation and community history.

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D. Advise in the building, maintenance and rehabilitation of city-owned buildings and sites in the Historic District.

E. Apply for and administer grants as approved by the city council and other financial aid for historic preservation projects in the city.

F. Enforcement of State Historic Preservation Laws. The commission shall support the enforcement of all state laws relating to historic preservation. These include, but are not limited to: U.C.A. - 17A-3-1301 to 1306, The Historic District Act; U.C.A. 9-8-305, 307 and 308 regarding the protection of Utah antiquities; and U.C.A. 9-8-404 regarding notification of the State Historic Preservation Office of any known proposed action which will destroy or affect a site, building or object owned by the state of Utah and included on or eligible for the state of National Registers.

G. Act as a review committee for streetscapes, landscapes and architectural design within the historic districts.

H. Prepare guidelines for rehabilitation, new construction and landscape within the historic districts. (Ord. 236-94 § 3)

2.44.040 West Bountiful sites list.

The Historic Preservation Commission may designate a historic district and historic properties to the historic sites list as a means of providing recognition to and encouraging the preservation of historic properties in the community.

A. Criteria for Designation Properties to the West Bountiful Historic Sites List. Any district, building, structure, object or site may be designated to the historic sites list if it meets all the criteria outlined below:

1. It is located within the official boundaries of the city;
2. It is at least fifty (50) years old;
3. a. If it retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials moving the resources from its original location to one that it dissimilar to the original addition which significantly detract from or obscures the original form and appearance of the house when viewed from the public way.
- b. If the property does not meet the integrity requirements outlined in subdivision (3)(a) of this subsection, it may still qualify for designation if it meets one of the following requirement for exception significance:
 - i. It is directly associated with events of historic significance in the community,

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ii. It is closely associated with the lives of persons who were of historic importance to the community,

iii. It exhibits significant methods of construction or materials that were used within the historic period;

4. It has been documented according to the Utah State Historic Preservation Office standards for intensive level surveys (June 1993 version or subsequent revisions) and copies of that documentation have been placed in the local and state historic preservation files.

B. Designation Procedures. Any person, group or government agency may nominate a property for listing in West Bountiful historic sites list but proceedings cannot be initiated without written consent of the property owner. The nomination and listing procedures are as follows:

1. Completed intensive level survey documentation for each nominated property must be submitted in duplicate to the Historic Preservation Commission.

2. The commission will review and consider properly submitted nominations at its next scheduled meeting. The commission will notify the nominating party, either orally or in writing one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one-week notification may be waived at the nominating party's option in order to accommodate "last-minute" submittals, though no nomination will be reviewed if it is submitted to the commission less than forty-eight (48) hours prior to the meeting.

3. The historic preservation commission will review the document for completeness, accuracy and compliance with the criteria for designating historic properties to the West Bountiful historic sites list and will make its decision accordingly.

C. Results of Designation to the Historic Sites List.

1. Owners of officially designated historic sites may obtain a historic site certificate from the Historic Preservation Commission. The certificate contains the historic name of the property, the date of designation, and signature of the mayor and the Historic Preservation Commission chairperson.

a. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place. The city will delay issuing a demolition permit for a maximum of fifteen (15) days and will notify a member of the Historic Preservation Commission, which will take responsibility for the documentation.

b. Documentation will include, at a minimum, exterior photographs (both black and white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor plan drawing of the building.

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c. The demolition permit will be issued after fifteen (15) days from the initial application whether or not the commission has documented the building. The permit may be issued earlier if the commission completes its documentation before the fifteen (15) day deadline.

d. The documentation will be kept in the commission's historic site files, which are open to the public.

D. Removal of Properties from the Historic Sites List. Properties which, in the opinion of the Historic Preservation Commission, no longer meet the criteria for eligibility may be removed from the historic sites list after review and consideration by the commission. (Ord. 236-94 § 7)

2.44.050 West Bountiful landmark register.

Significant historic properties may be designated to the historic landmark register for the purposes of recognizing their significance and providing incentives and guidelines for their preservation.

A. Criteria for Designating Properties to the West Bountiful Landmark Register. Any district, building, structure, object or site may be designated to the historical landmark register if it meets all the criteria outlined below.

1. It is located within the official boundaries of the city;
2. It is currently listed in the National Register of Historic Places and a copy of the approved National Register form has been placed in the local historic preservation files, or it has been officially determined eligible for listing in the Nation Register of Historic Places under the provision of 36 CAR 60.6(s). Properties listed on or determined eligible for the National Register must, in addition to retaining their integrity as defined in section 2.44.040(A)(3)(a), meet at least one of the following National Register criteria:
 - a. Associated with events that have made a significant contributions to the broad patters of our history,
 - b. Associated with the lives of persons significant in our past,
 - c. Embody the distinctive characteristics of a type, period or method of construction or that represent the work of a master, or that possess high artistic values, or the represent a significant and distinguishable entity whose components may lack individual distinction, or
 - d. Have yielded, or may be likely to yield, information important in prehistory or history (archeological sites, for example.)
3. It has been documented according to the Utah State Historic Preservation Office standards for Intensive Level Surveys (June 1993 version or subsequent revisions) or National Register standards and a copy of that documentation has been placed in the local historic preservation files.

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4. The owner of the property approves of the action to designate his or her property to the historic landmark register and has submitted to the commission a written statement to that effect.

5. Historic Districts. Any district may be designated to the historical landmark register is a majority (over 50 percent) of the property owners in the proposed historic district is in favor of the designation or at least not opposed to it. Notice will be given to each affected property owner. Written objections from over 50 percent of the property owners will constitute lack of approval and will halt the designation process.

B. Designation Procedures.

1. Submittal to the commission of complete Intensive Level Survey or National Register of Historic Places documentation shall initiate the review process.

2. Upon receipt of the written request for designation, the commission chairperson shall arrange for the nomination to be considered at the next commission meeting, which shall be held at a time not to exceed thirty (30) days from the date the request was received.

3. The decision by the commission shall be based on the eligibility of the property in terms of meeting the Criteria for Designating Properties to the West Bountiful Historic Landmark Register. The commission shall forward its recommendation in writing to the city council within fourteen (14) days.

4. The city council may, by approval and passage of an appropriate resolution, designate properties to the historic landmark register. Following designation, a notice of such shall be mailed to the owners of record together with a copy of the ordinance codified in this chapter.

C. Notification and Recording of Designation.

When historic properties have been officially designated to the West Bountiful historic landmark register by the city council, the commission shall promptly notify the owners of those properties. The commission shall record the historic landmark register status designation with the county recorder's office.

D. Results of Designation to the Historic Landmark Register.

1. Properties designated to the historic landmark register may receive special consideration in the granting of zoning variances or conditional use permits in order to encourage their preservation.

2. In the event of rehabilitation of the property, local building officials will consider waiving certain code requirements in accordance with Chapter 34 of the Uniform Building Code (1994 Edition), which deals with historic buildings, or the Uniform Code for Building Conservation, a special code for existing buildings.

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3. Owners of historic landmarks may seek assistance from the Historic Preservation Commission in applying for grants or tax credit for rehabilitating their properties.

4. Any proposed construction, alteration, modification or demolition of exterior work is subject to the review and approval of the Historic Preservation Commission. The purpose of this review is to ensure the preservation of historic properties to the greatest degree possible. This review applies to individually designated landmark properties or any property, contributing or non-contributing, located in a landmark-designated historic district. This review applies only to exterior work which requires a building permit, sign permit, or demolition permit.

a. Application for permits pertaining to historic landmark properties shall be forwarded by the building inspector to the Historic Preservation Commission prior to their issuance.

b. A permit applicant, in order to obtain a permit from the building inspection division, shall file a request for a Certificate of Appropriateness with the commission on a form furnished by the commission.

c. At its next scheduled meeting, the commission shall review the application and proposed work for compliance with the Secretary of the Interior's "Standards for Rehabilitation", hereafter referred to as the "Standards" and any design guidelines recommended by the commission and adopted by the city council and will make a decision as to the approval or denial of the application (see Section 2.44.060).

d. The commission's decision shall be forwarded within three days to the city staff for its consideration. The recommendation must indicate which of the Standards the commission's decision was based on and, where appropriate a brief explanation. Copies of the decision shall be sent to the building inspector and the property owner at the same time.

e. Applicants whose proposed projects are found to be in non-compliance with this Title shall be offered a negotiating period of thirty (30) days, during which time the commission and applicant shall explore all options for an acceptable solution. These may include the feasibility of modifying the plans, using the historic landmark for alternative purposes, and reselling the property to another party. If the Certificate of Historic Appropriateness is denied, the building official shall not issue any permits.

f. Claims of Economic Hardship. The commission may approve a waiver to a Certificate of Appropriateness for Rehabilitation or Demolition of a landmark property if the owner has presented substantial evidence demonstrating that unreasonable economic hardship will result from denial of the Certificate of Appropriateness.

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i. Economic Hardship Criteria. In order to sustain a claim of unreasonable economic hardship, the commission may require the owner to provide information whether the property is capable of producing a reasonable return for the owner.

ii. Demonstration of economic hardship by the owner shall not be based on conditions resulting from willful or negligent acts by the owner, purchasing the property for substantially more than market value at the time of purchase, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.

g. An applicant who has been denied any permit by the building official, based on the commission's refusal to issue a Certificate of Historic Appropriateness, may appeal that decision to the planning and zoning commission. The appeal must be made on or before thirty (30) days after the commission's decision. The Historic Preservation Commission's decision will be upheld unless found to be arbitrary, capricious or not based on substantial evidence. Any appeal of the planning and zoning commission determination must be made to the appropriate District Court of the State of Utah.

E. Removal of Properties from the Historic Landmark Register. Properties which, in the opinion of the Historic Preservation Commission, no longer meet the criteria for eligibility may be removed from the historic landmark register after review and consideration by the commission. The property owner shall be advised by mail of the Historic Preservation Commission meeting during which the removal will be considered. The owner will be notified of the decision of the commission and will have thirty (30) days to appeal the decision of the commission to the planning and zoning commission. However, nothing in this chapter shall be construed to prevent an owner from removing his or her property from the historic landmark register as the owner in his or her sole discretion shall deem appropriate. Further, the city shall not accept any liability whatsoever for an owner's decision to remove property from the historic register.

F. Enforcement. The provisions of this section are subject to the enforcement provisions established in the Uniform Building Code, Uniform Code for Building Conservation, or in the Uniform Housing Code as adopted by West Bountiful. (Ord. 236-94 § 8)

2.44.060 Standards for rehabilitation.

The following standards for rehabilitation shall be used by the historic preservation commission and city council when determining the historic appropriateness of any application pertaining to historic landmark properties:

A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterized a property shall be avoided.

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C. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive features, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

H. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

I. New additions, exteriors alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. (Ord. 236-94 § 9)

K. Any appeal of the rehabilitation decision to the planning and zoning commission must be made on or before thirty (30) days after the Historic Preservation Commission's decision. The Historic Preservation Commission's decision will be upheld unless found to be arbitrary, capricious or not based on substantial evidence. Any appeal of the planning and zoning commission determination must be made to the appropriate District Court of the State of Utah.

2.44.070 Standards for property development in the historic districts of West Bountiful City.

A. The Historic Preservation Commission shall determine the historic appropriateness for future streetscape plans within historic districts to include but not be limited to beautification projects, squeeze zones, street lighting, plants and trees, bike lanes and the use of current roadside historic structures and/or markers.

B. The following standards are minimum requirements for any new developments within the historic districts. The existing historic district along 800 West shall be upgraded to the same

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streetscape regulations as monies become available and the city council deems the upgrades feasible.

- 1) Crosswalks: full-depth colored and stamped concrete shall be implemented in constructing crosswalks.
- 2) Parking strips: shall be established at a standard width of six (6) feet in total width.
- 3) Sidewalks: shall be established at a standard five (5) feet wide.
- 4) Street Lighting: period lighting, as recommended by the Historic Preservation Commission, shall be constructed and placed at an approximate spacing of five hundred (500) feet.
- 5) Trees: existing historical trees shall be retained whenever possible. Additional trees shall be planted in the parking strip approximately sixty (60) feet from each other at uniform intervals along the length of the historic district. The variety of the trees will be determined by the Historic Preservation Commission.

C. Unless expressly stated to the contrary in this chapter, all provisions of the West Bountiful City Building Code and Ordinances shall apply in addition to the provisions of the Historic Preservation Commission Ordinance. In the case of any direct conflict between this chapter and other provisions of the West Bountiful City Code or Ordinances, the more restrictive provision shall apply.

D. All new development plat maps must indicate that the development is located in the historic district. In addition, each building lot must be marked with an "R" next to the lot # on all plat maps submitted to the planning and zoning commission and the city council for approval and on the plat map filed with the county recorder. This "R" indicates to the buyer and to the contractor that the property has "restrictions" unique to the historic district and that additional procedures must be followed in the approval and construction phases.

2.44.080 Standards for new construction within the historic districts of West Bountiful City.

A. Review Process

1. Review Committee: The Historic Preservation Commission (hereinafter referred to as "the commission") shall act as the historic district design review committee. No dwelling or other building shall be erected or altered on any lot in the historic district without the review and recommendation of the construction plans by the commission. All construction plans and specifications shall include a plan showing the location of the proposed structure on the lot and a list of the proposed construction materials. Plans and materials shall be in harmony with the requirements of this ordinance as well as the exterior design of the existing structures in the historic district, compliance with which shall be determined by the commission.

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2. The "seller" of a building lot or a home in the historic district must give prospective "purchaser" a "building packet" provided by the commission containing a copy of the Historic District Ordinance and a checklist of documents required to be submitted to the commission for review. The prospective "purchaser" of a building lot or an existing home in the historic district must sign for and acknowledge receipt of the "building packet" and execute a statement of their willingness to comply with the historic district building procedures at least 15 days before closing on the purchase of any lot or existing home in the historic district.

3. All plans and specifications submitted to the commission must be submitted in duplicate and accompanied by a written request for recommendation. The commission shall have 10 days to review the plans. The commission may employ the services of a licensed architect to review the plans for architectural authenticity in which case an additional 10 days will be required for the review. At the end of the review period the commission will either; (a) recommend the plans and specifications as submitted, or (b) notify the party making such request of any objections thereto (such objections to be specifically stated). If objections are noted, the requesting party may, within 14 days thereafter, resubmit a request for recommendation rectifying any such objections to the commission. The commission shall then have an additional 10 days after receipt of said revisions to recommend or deny said changes. The Historic Preservation Commission's recommendation or denial of submitted plans shall be in writing and returned to the party making a submission, together with a notation of recommendation or denial and the date thereof affixed to one copy of such plans and specification.

B. Design Standards

Objectives: To ensure historic appropriateness for new construction within the historic district. Projects shall be compatible in design, character, size, and proportion to existing "contributing" buildings in the district. New construction shall enhance the historic qualities and unique feeling of the historic areas of the city and shall not erode the character of the neighborhood.

1. Building Design. The West Bountiful historic district evolved over an approximate 100-year span and includes houses of many sizes and architectural styles. Lot sizes and setbacks are not consistent. These variations are part of the unique appeal of the area and should be respected and preserved as much as possible. New development in the historic district shall emulate this pattern by incorporating various size lots, various size houses, and various architectural designs appropriate to time period and area. There are fine architectural examples of Victorian, Prairie style, Craftsman, Bungalow, English, Temple/Greek Revival, and cottage styles in the historic district all of which are appropriate designs for new construction. In addition, many other architectural home designs built in Utah between 1848 and 1940 are appropriate.

2. Size. The size of the home shall correspond with the size of the lot. The house and all accessory buildings shall not cover more than 40% of the lot.

3. Height. One-story, one and one-half story (upper floor incorporated into the roof line), and two story homes (with an attic above the 2nd story) are appropriate. However, the height cannot be more than 35 feet above the curb level.

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4. Exterior Facades. Brick is the predominant building material in the historic district. Therefore, the majority of houses should be brick with a fewer number of stone and clapboard homes. Appropriate materials for the outside walls of homes, garages, carriage houses and other outbuildings are brick, stone/cultured stone or wood/fiber-cement board (such as James Hardee). Contrasting materials can be used for pillars, lintels, quoins, keystones, trims, etc. but must receive positive recommendation by the commission. Brick wainscot is not historical in West Bountiful and shall not be used. Vinyl siding, aluminum siding, stucco panels will not be allowed. Walls, roof shapes, windows, doors, porches, and ornamental detail shall be historically correct for the home's architectural style and period of history.

5. Windows. Windows shall be appropriate in style and size for the home's period of architecture and must be uniform throughout the house. Windows must be recessed at least two (2) inches.

6. Colors. Shall be historically appropriate to the home's architectural style and period of history.

7. Garages and other outbuildings. All houses shall be constructed with a garage for not less than two (2) vehicles and not more than three (3) vehicles. Garages must be the same architectural style and color as the home. Garages can be (1) detached and located toward the back of the lot, (2) attached and flush to the house or extend up to five feet in front of the house if the garage is built to appear as part of the house and has a side or back opening, (3) attached with a front opening if the front of the garage is set back at least five feet from the front of the house. The garage and other outbuildings shall be subordinate to the house and shall conform to the architectural style of the home.

8. Fences. No privacy fences are allowed from the front of the home to the street. However, low fences in wood/wood composite, ornamental iron, brick, rock, natural hedges, shrubs or any combination of the above can be used in the front yard as part of the landscaping. Privacy fencing for side and back yards must be per City Code Section 17.44.180. All fences shall be appropriate to the style of the home and must receive positive recommendation by the commission.

9. Landscape. Driveways, sidewalks, steps, lighting, etc. shall be historically appropriate to the home's architectural style and period of history.

C. Appeal.

1. Any appeal to the planning and zoning commission must be made on or before thirty (30) days after the Historic Preservation Commission's decision. The Historic Preservation Commission's decision will be upheld unless found to be arbitrary, capricious, or not based on substantial evidence. Any appeal of the planning and zoning commission determination must be made to the appropriate District Court of the State of Utah.

(2.44 Amended May 1st, 2007; Ord. 295-07)

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Chapter 2.48 POLICE DEPARTMENT

Sections:

2.48.010 Function.

2.48.020 Duties of members.

2.48.010 Function.

The police department, by and through its sworn officers, shall be responsible for preserving the public peace, preventing crime, detecting and arresting criminal offenders, protecting the rights of persons and property, regulating and controlling motorized and pedestrian traffic, training sworn personnel and providing and maintaining police records and communication systems. (Prior code § 2-2-3(A))

2.48.020 Duties of members.

The chief of the police department shall have command over all the officers, members and employees of the department and shall exercise and perform such duties as may be prescribed by the city council. The chief of police shall be under the direction, control and supervision of the mayor. (Prior code § 2-2-3(B))

Chapter 2.52 PUBLIC WORKS DEPARTMENT

Sections:

2.52.010 Functions.

2.52.020 Duties.

2.52.010 Functions.

The public works department shall be responsible for the following:

A. Streets and public facilities, including the operation and maintenance of streets, parkways, sidewalks, all street related drainage ways, and other public ways and facilities;

B. Fleet management, including the management and coordination of all vehicles and service centers, the management and dispensing of fuel for city use, and the maintenance of records indicating the performance and costs of all city vehicles; and

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C. Water resources, including the acquisition, transportation, storage, treatment and distribution of potable water to the city and its customers within designated service areas; the operation and management of all reservoirs, pump stations, water mains, city fire hydrants and appurtenances; the operation and maintenance of flood control structures, gates, canals and ditches necessary for the proper control and distribution of irrigation water and all non-street related flood water; and maintenance and delivery to the city engineer of accurate records of the locations and other essential information on mains, valves, reservoirs, wells, fire hydrants, ditches and other related facilities and water rights owned by the city. (Prior code § 2-2-4(A))

2.52.020 Duties.

The director of the public works department shall be responsible for ensuring that the department fulfills its responsibilities, as provided above. The public works director shall be under the direction and supervision of the city administrator. In the absence of a duly appointed director of public works, the city administrator shall act in his or her stead. The city may establish a public works department which shall be responsible for providing and maintaining the street and water systems of the city. The department shall also be responsible for maintaining the public properties of the city.

The public works department shall be supervised by an appointed director who shall be answerable to the city administrator or, in the absence of a city administrator, to the mayor. (Prior code § 2-2-4(B))

Chapter 2.56 GOVERNMENT RECORDS MANAGEMENT AND ACCESS

Sections:

2.56.010 State Act adopted.

2.56.020 Classifications adopted.

2.56.030 City recorder.

2.56.040 Fees.

2.56.050 Response times.

2.56.060 Appeals.

2.56.010 State Act adopted.

Except as otherwise provided in this section, the Utah Government Records Access and Management Act (as the same may be amended periodically by the Utah State Legislature) is adopted as a West Bountiful City ordinance, to the extent that the same applies to a city of the third class. In the event of

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conflict, the provisions of this section shall be interpreted in a manner consistent with said Act. (Prior code § 2-9-1(A))

2.56.020 Classifications adopted.

All city records shall be classified as follows:

- A. All records described in Section 63-2-301, Utah Code Annotated, which must be classified as public records shall be classified as public records.
- B. All records described in Section 63-2-302, Utah Code Annotated, which may be classified as private records shall be classified as private records.
- C. All records described in Section 63-2-303, Utah Code Annotated, which may be classified as confidential records shall be classified as confidential records.
- D. All records described in Section 63-2-304, Utah Code Annotated, which may be classified as protected records shall be classified as protected records. (Prior code § 2-9-1(B))

2.56.030 City recorder.

The city recorder shall do the following:

- A. Apply the classifications above to all city records, which may be done at the time a request for access to city records is made, or prior thereto as the resources of the city permit;
- B. Determine in response to a request for access to city records whether, pursuant to the provisions of this chapter, the request should be permitted and the terms under which it should be permitted. The city recorder may be advised by the city administrator or the city attorney in making this determination. (Prior code § 2-9-1(C))

2.56.040 Fees.

The following apply with respect to fees:

- A. The city council shall adopt and periodically revise a schedule of fees for compiling or copying records. In the absence thereof, the city recorder shall charge reasonable fees for compiling or copying records, the amount of which shall not exceed the city's actual cost thereof.
- B. If a person requests to copy more than thirty (30) pages of records, the city may require that the copying be done at a private photocopying business and that the requester pay the expense of a city custodian transporting the necessary city records to the premises of the private photocopying business.
- C. If computer programming is required to respond to a request for access to records, the requester shall, in advance, pay the reasonable cost thereof. (Prior code § 2-9-1(D))

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2.56.050 Response times.

The city shall respond to a request for access to city records in the times described in Section 63-2-204, Utah Code Annotated (including times applicable to extraordinary circumstances); provided, however, that for good cause directly related to city resources which are insufficient to respond to a request, the city may have an additional period of time not exceeding ten (10) days in which to respond to a request. (Prior code § 2-9-1(E))

2.56.060 Appeals.

Any person aggrieved by a decision of the city recorder in relation to matters described in this section shall appeal the same to the city council in the time and manner provided in Section 63-2-403, Utah Code Annotated, for appeals to a records committee. The city council shall hear and decide appeals in the time and manner provided in said section except that the city council shall not be required to hear any appeal earlier than the next regularly scheduled meeting of the city council. (Prior code § 2-9-1(F))

Chapter 2.60 ADMINISTRATIVE HEARINGS

Sections:

2.60.010 Procedure.

2.60.010 Procedure.

Any administrative action by West Bountiful City for which a hearing is required and for which no other procedure is provided shall, except as otherwise expressly provided by ordinance, conform to the following:

- A. Administrative hearings shall be conducted by the mayor or by one or more hearing examiners appointed by the mayor.
- B. Reasonable notice stating time, place and subject matter shall be given to the parties involved, prior to any hearing. No hearing, or the result thereof, shall be invalidated by any defect in giving notice to the parties involved, unless a denial of due process is caused thereby.
- C. At the request of any party, witnesses shall be sworn by the officer conducting the hearing.

This officer may be either the mayor or a hearing examiner, as provided above. Minutes of the hearing shall be kept by a secretary appointed by the mayor. At the request and expense of any party, a hearing may be recorded by a certified shorthand reporter. Hearings may be tape-recorded only under the direction and with the consent of the hearing officer. The hearing officer shall adopt written findings and enter a written order or decision.

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D. Any decision entered by a hearing examiner may be vacated by the mayor within fifteen (15) days after the entry thereof. The mayor shall thereafter conduct such further hearings, if any, as he shall deem necessary, and based upon evidence received at all hearings on the issues, the mayor shall adopt written findings and enter a written order or decision.

E. A written order or decision of a hearing examiner, if not vacated by the mayor, and a written order or decision of the mayor, shall constitute a final decision from which an appeal (for purposes of review and not for purposes of a trial de novo) may be taken to a court of law, in the time and manner otherwise provided by law. (Prior code § 2-8-3)